IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26/08/2004

CORAM

THE HONOURABLE MR. JUSTICE P.K. MISRA
AND
THE HONOURABLE MR. JUSTICE A.K. RAJAN

W.P.No.16083 OF 2000

M. Pramila .. Petitioner

-Vs-

1. Chennai Port Trust,
rep. by its Secretary,
Rajaji Salai,
Chennai 1.

2. The Commandant,
CISF Unit, Chennai Port Trust,
Chennai. .. Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Certiorarified Mandamus as stated therein.

For Petitioner : Mr. Vijay Narayan

For Respondent-1 : Mr.M. Jagadeesan

Respondent-2 : Mr.S. Krishnasamy
SCGSC
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:ORDER

(Order of the Court was made by P.K. MISRA, J.)

Heard the learned counsels appearing for the parties.

2. The petitioner has filed this writ petition for issuing writ of certiorarified mandamus for quashing the order dated 24.2.2000 and to issue a direction for the first respondent to consider the case of the present petitioner for appointment as a clerk under Chennai Port Trust.

3. The present petitioner was appointed as a Constable in Clerical

Cadre in the year 1987 under Central Industrial Security Force and subsequently she was promoted to the rank of Assistant Sub-Inspector/ Clerk in 1990. In course of time, the petitioner was posted at Chennai Port Trust. At that time, notice dated 23.7.1997 was issued by the Port Trust seeking applications for the post of clerk under Madras Port Trust. As per Column-4 of the notice, the employees who are temporary and permanent of all the departments of the Trust were eligible to apply. On the basis of such notice, the petitioner had made application. Such application was rejected by the Port Trust on 15.6.1999 on the ground that as per the existing rules, the petitioner was not eligible. A fresh application had been filed by the petitioner on 5 .11.1999, which was rejected on 24.2.2000 by indicating that the appointment sought for by the petitioner was not permissible as she could

not be appointed either on compassionate ground or directly without being sponsored through Employment Exchange. The present writ petition has been preferred against such order.

4. Learned counsel appearing for the petitioner has contended that similar employees of CISF were absorbed on permanent basis by the Chennai Port Trust and produced a list containing 18 such persons. In the counter affidavit filed on behalf of the Chennai Port Trust it is indicated that even though on previous occasions many applications have been entertained and many employees employed under CISF Unit have been absorbed by Port Trust, the Board of the Trust has taken a decision not to entertain such applications which was communicated by office letter No.G1/6201/95/S dated 24.1.1996. It is stated in the counter that after the said date, Port Trust has completely dispensed with entertaining any application from CISF personnel and in view of such policy decision, the application of the petitioner was not entertained. It is further indicated in the counter affidavit that the petitioner had not applied against any notified post and she does not have any right to claim that she should be considered for appointment. It has been reiterated that in view of the policy decision taken by the Port Trust in January, 1996 it would not be possible to consider CISF personnel for appointment.

5. Learned counsel for the petitioner has submitted that out of 18 persons indicated in the list, 3 or 4 persons have been appointed even after 1996. This has been clarified by the counsel for the respondent by stating that those persons had applied before 1996 and their pending applications had been considered and no freshapplication after 1996 had been entertained.

6. In the facts and circumstances of the case, we do not find any illegality in the order passed by the Chennai Port Trust and accordingly, the writ petition is liable to be rejected. It is to be noted that no right is envisaged under any statutory rule or even any guideline which would enable the petitioner to claim employment as a matter of right and merely because some persons have been employed on the basis of sympathetic ground we cannot issue any writ to Port Trust to give employment. However, in case there is any subsequent change of policy, it would be open to the petitioner to make any representation to the first respondent which would be considered on its own merit. We do not express any opinion on this aspect and dismissal of the

present writ petition may not be a bar for consideration of the representation which may be filed by the petitioner.

7. Subject to the above observation, the writ petition is dismissed.
No costs.

dpk

To
1. Chennai Port Trust,
rep. by its Secretary,
Rajaji Salai,
Chennai 1.

2. The Commandant,
CISF Unit, Chennai Port Trust,
Chennai.